

# **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

INDUSTRIA DE ALIMENTOS ZENÚ S.A.S.

Plaintiff/Counter Defendant,

v.

LATINFOOD U.S. CORP. d/b/a ZENÚ  
PRODUCTS CO. and WILSON ZULUAGA,

Defendants

**Civil Action No. 2:16-cv-06576-KM-MAH**

**STIPULATION OF FACTS**

Pursuant to the “Meet and Confer” which took place on June 7, 2019 and subsequent communications, the Parties, by and through their undersigned counsel, hereby agree and stipulate to the following:

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys, as follows:

1. Industria has known about Latinfood's Zenu and Ranchera designs since October, 2013.
2. Industria's Zenu: U.S. Trademark Registration number 1,359,432 was cancelled on February 19, 1992; U.S. Trademark Registration Number 1,404,280 was cancelled on February 8, 1993; U.S. Trademark Registration Number 1,733,331 was cancelled on May 24, 1999; and U.S. Trademark Registration Number 2,848,103 was cancelled on January 7, 2011.
3. Industria's Zenu branded products were blocked from entering into the U.S. by U.S. Customs due to labeling issues. (**Industria 30(b)(6), Luis Industria 30(b)(6), Luis Salazar Deposition 79:7-80:16**)

4. Industria's Zenu and Ranchera branded products were not imported into the U.S. due to sanitary barriers. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 96:25-97:9**)
5. Industria allowed its U.S. Registrations for the Zenu mark to lapse because it could not find a way to show that the Zenu mark was being used in the U.S. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 97:13-16**)
6. Industria Zenu and Ranchera branded products have never been produced in the U.S. because the volumes were too low and it would not have been worth it. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 96:25-97:9**)
7. Industria's sanitary issues and low volume level to produce Zenu and Ranchera branded products in the U.S. has no relation to Latinfood. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 97:10-12**)
8. Industria has no record of any overlap of Industria and Latinfood customers between the U.S. and Columbia. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 60:4-12**)
9. Industria has never conducted any surveys in the U.S. regarding Zenu or Ranchera brands. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 111:4-8**)
10. Industria has no documentation demonstrating that Latinfood attempted to procure 400,000 Zenú labels from Marquillas, SA., Columbia. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 109:22-110:12**)
11. Industria does not claim that Latinfood has impacted Industria's sales in Columbia.
12. Industria does not do business in the U.S. (**Industria 30(b)(6), Luis Salazar Deposition 4/11/19 60:11-12**)
13. Industria does not claim that Latinfood's Zenu and Ranchera branded products are "inferior."

14. Industria does not claim that Latinfood's Ranchera branded products are "sub-par."

**(Industria 30(b)(6), Luis Salazar Deposition 4/11/19 91:20-21)**

15. Industria does not claim that there has been any decrease in Industria's reputation due to Latinfood.

The undersigned hereby STIPULATE and AGREE to the above facts:

Dated: June 20, 2019

**REED SMITH LLP**

By: \_\_\_\_\_

Peter D. Raymond, Esq. (pro hac vice)  
Samuel Kadosh, Esq.  
David G. Murphy, Esq.  
599 Lexington Avenue  
New York, New York 10022  
Tel: (212) 521-5400  
Fax: (212) 521-5450

*Attorneys for  
Industria de Alimentos Zenú S.A.S.*

**THE INGBER LAW FIRM**

By: \_\_\_\_\_

Mark J. Ingber, Esq.  
51 JFK Parkway  
First Floor West, Suite 159  
Short Hills, New Jersey 07078  
Tel: (973) 921-0080

*Attorneys for  
Latinfood U.S. Corp. d/b/a  
Zenú Products Co. and Wilson Zuluaga*